

VII

পঞ্জীকৃত-৭৬৮/৯৭

Registered No. 786/97

অসম



ৰাজপত্ৰ

সকলৰ জয়

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

PUBLISHED BY AUTHORITY

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No. 55 Dispur, Friday, 5th March, 2004, 15th Phalgun, 1925 (S.E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

NOTIFICATION

The 5th March, 2004

No. LGL.123/2003/44.-- The following Act of the Assam Legislative Assembly which received the assent of the Governor of Assam is hereby published for general information.

ASSAM ACT No. VI of 2004

(Received the assent of the Governor on 2nd March, 2004)

THE GUWAHATI MUNICIPAL CORPORATION (AMENDMENT)
ACT, 2003.

AN
ACT

further to amend the Guwahati Municipal Corporation Act,
1969.

Preamble

Whereas it is expedient further to amend
the Guwahati Municipal Corporation Act,
1969, hereinafter referred to as the principal
Act, in the manner hereinafter appearing ;

Assam
Act I
of 1973.

It is hereby enacted in the Fifty-fourth
year of the Republic of India as follows :-

Short title, extent and commencement.

1.(1) This Act may be called the Guwahati Municipal Corporation (Amendment) Act, 2003.

(2) It shall have the like extent as the principal Act.

(3) It shall come into force at once.

Amendment of section 46.

2. In the principal Act, for section 46, the following section shall be substituted, namely :-

"Qualification for Councillorship.

46. A person shall not be qualified to be chosen as a Councillor unless-

(i) His name is registered as an elector in an electoral roll for any ward in the city, and

(ii) He furnishes a declaration in the form of an Affidavit, in the format as appended in the Sixth Schedule, at the time of filing nomination paper, containing the following information, which shall be made public by the respective returning officers by displaying a copy of the Affidavit on the Notice Board of his office :-

(a) Whether the candidate has been convicted/acquitted/discharged of any criminal offence in the past and if convicted, whether he was punished with imprisonment or fine ;

- (b) Prior to six month of filing of nomination whether the candidate is accused in any pending case, of any offence punishable with imprisonment for a term of two years or more, and in which charge is framed or cognizance has been taken by the Court. If so, the details thereof ;
- (c) The assets (immovable, movable, bank balances etc.) of a candidate and of his/her spouse and, that of dependants;
- (d) Liabilities, if any, particularly whether there are any overdues of any public Financial Institutions or Government dues ;
- (e) The educational qualifications of candidate."

Insertion
of new
Schedule.

3. In the Principal Act, after the Fifth Schedule, the following Schedule shall be inserted, namely :-

SIXTH SCHEDULE

Affidavit to be furnished by candidate along with nomination paper before the Returning Officer for election to Guwahati Municipal Corporation as a Councillor, District.....Ward No.....Name, if any

I,.....son/daughter/
wife of.....age.....years,
resident of.....

candidate at the above election, do hereby solemnly affirm and state on oath as under :-

(Strike out whichever not applicable)

- (1) I have in the past, been convicted of a criminal offence in the following case (s) and the details are as under :-
 - (i) Case No.
 - (ii) Section of the Act and description of the offence for which convicted.

- (iii) Date (s) of conviction.
 - (iv) Court (s) by which convicted,
 - (v) Punishment imposed (indicate period of imprisonment awarded and/or quantum of fine imposed).
 - (vi) Details of appeals/revision, etc. filed against above conviction (s),
- (2) That I have in the past been discharged/acquitted in the following cases :-
- (i) Section of the Act and description of the offence with which charged.
 - (ii) Case No.
 - (iii) Name of the Court by which acquitted/ discharged,
 - (iv) Date of acquittal/discharge.
 - (v) Details of appeal(s)/ application(s) for revision/review, if any filed against above acquittal/discharge,
- (3) That I have, in the period ending six months prior to the date of filing the present nomination, been accused of the following offences punishable with imprisonment with two years or more, and in which a charge has been framed or cognizance taken by the Court as indicated hereunder :-

(Note : This excludes the cases mentioned in (1) and (2) above)

- (i) Section of the Act and description of the offence with which charged/cognizance taken :
- (ii) The Court which has framed the charge/taken cognizance :
- (iii) Case No.
- (iv) Date of the order of the Court framing charge/taking cognizance :
- (v) Details of appeal(s)/application(s) for revision, etc. if

any, filed against above order framing charge/taking cognizance :

(4) That I give hereinbelow the details of the assets (Immovable, Movable, Bank balance, etc.) of myself, my spouse and dependants.

A. Details of moveable assets :-

Assets in joint name indicating the extent of joint ownership will also have to be given :-

| Sl. No. | Description | Self | Spouse (s) Name(s) | Depen- dent-I Name: | Depen- dent-2 Name: | Depen- dent-3 etc. Name: |
|---------|-------------|------|--------------------|---------------------|---------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

- (i) Cash,
- (ii) Deposit in Banks, Financial Institutions and Non-Banking Financial Companies,
- (iii) Bonds, Debentures and Shares in Companies.
- (iv) Other Financial Instruments, NSS, Postal Savings, LIC Policies, etc.
- (v) Motor Vehicles (Details of make, etc.)
- (vi) Jewellery (give details of weight and value),
- (vii) Other assets, such as values of claims/ interests.

Note:-1. Dependant here means a person substantially dependents on the income of the candidate.
 2. Value of Bonds/Shares/Debentures as per the latest market value in Stock Exchange in respect of listed companies and as per books in the case of non listed companies should be given,

B. Details of Immovable Assets :-

(Note :-Properties in joint ownership indicating the extent of joint ownership will also have to be indicated).

| Sl. No. | Description | Self | Spouse (s) Name(s) | Depen- dent-1 Name: | Depen- dent-2 Name: | Depen- dent-3 etc. Name: |
|---------|-------------|------|--------------------|---------------------|---------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

(i) Agricultural Land

Location(s)

- Survey number (s)
- Extent (Total measurement)
- Current market value.

(ii) Non-Agricultural Land -

- Location (s)
- Survey number (s)
- Extent (Total measurement)
- Current market value.

(iii) Buildings (Commercial and residential)

- Location (s)
- Survey/door number (s)
- Extent (Total measurement)
- Current market value.

(iv) Houses/Apartments, etc.

- Location (s)
- Survey /Door number (s)
- Extent (Total measurement)
- Current market value.

(v) Other (Such as interest in property).

(5) I give hereinbelow the details of my liabilities/overdues to public financial institutions and Government dues :-

(Note :- Please give separate details for each item)

(Note :- Properties in joint ownership will also have to be indicated)

| Sl. No. | Description | Name and address of Bank/Financial Institution(s) Department(s) | Amount Outstanding as on. |
|---------|-------------|---|---------------------------|
| 1 | 2 | 3 | 4 |

(a) (i) Loans from Banks.

(ii) Loans from Financial Institutions.

(iii) Government dues (Other than income tax and wealth tax) (No. Due Certificate to be enclosed in case holding or having held any public office).

(b) (i) Income tax including surcharge (Also indicate the assessment year upto which income tax return filed. Give also Permanent Account Number (PAN).

(ii) Wealth Tax (Also indicate the assessment year upto which wealth tax return filed).

(iii) Sale tax (Only in case of proprietary business).

(iv) Property Tax.

6. My Educational Qualifications are as follows, (Give details of School and University education) (Name of School/College/University and the year in which the course was completed should also be given).

DEPONENT

VERIFICATION

I, the deponent abovenamed, do hereby verify and declare that the contents of this declaration are true correct to the best of my knowledge and belief ; no part of it is false and nothing materials has been concealed therefrom.

Verified at this the.....
..... day of200.

DEPONENT.

Verified before me

Place.....

(Signature of Verifying Authority
with Seal)".

Date.....

Repeal and Saving. 4. (1) The Guwahati Municipal Corporation Assam Ordinance IV of 2003. (Amendment) Ordinance, 2003 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

M. K. DEKA,
Commissioner & Secretary to the Govt. of Assam,
Legislative Department, Dispur.